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Human rights questions

Letter dated 10 August 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a decision of the State Duma of the Federal Assembly of the Russian Federation on the statement by the State Duma of the Federal Assembly of the Russian Federation "In connection with the judgement of the European Court of Human Rights on the so-called Ilaşcu case".

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly at its fifty-ninth session under item 107 of the provisional agenda, "Human rights questions".

(*Signed*) A. **Denisov**

* A/59/150.

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Annex to the letter dated 10 August 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Decision of the State Duma of the Federal Assembly of the Russian Federation

Statement of the State Duma of the Federal Assembly of the Russian Federation "In connection with the judgement of the European Court of Human Rights in the so-called Ilaşcu case"

The State Duma of the Federal Assembly of the Russian Federation decides:

1. To adopt the statement of the State Duma of the Federal Assembly of the Russian Federation "In connection with the judgement of the European Court of Human Rights in the so-called Ilaşcu case" (see attachment).

2. To transmit this decision and the above-mentioned statement to Mr. V. V. Putin, President of the Russian Federation, the Government of the Russian Federation, the United Nations Security Council, the European Parliament, the Parliamentary Assembly of the Council of Europe, the Secretary-General of the Council of Europe and the President and Judges of the European Court of Human Rights.

3. To transmit this decision and the above-mentioned statement to the *Parliamentary Gazette* for official publication.

This decision shall enter into force on the date of its adoption.

(*Signed*) B. V. **Gryzlov**

Attachment

Statement of the State Duma of the Federal Assembly of the Russian Federation

Judgement of the European Court of Human Rights in the so-called Ilaşcu case

In connection with the publication on 8 July 2004 by the European Court of Human Rights in Strasbourg of a judgement in the so-called Ilaşcu case, the State Duma of the Federal Assembly of the Russian Federation considers it necessary to state as follows:

The said judgement concerns events that took place prior to the accession of the Russian Federation to the Convention for the Protection of Human Rights and Fundamental Freedoms. In the opinion of the deputies of the State Duma, that fact releases the Russian Federation from any liability under international law under the judgement since the Convention does not have retroactive force. This understanding is, in particular, clearly reflected in General Assembly resolution 56/83 of 12 December 2001 which provides that: "An act of a State does not constitute a breach of an international obligation unless the State is bound by the obligation in question at the time the act occurs".

The demand of the European Court of Human Rights that the Russian Federation should immediately release the two applicants is without foundation and absurd. These applicants are currently in prison in the territory of the Republic of Moldova. A decision to release them must be taken by the authorities of that State. Attempts by other States to influence them or to undertake any action with a view to the release of the applicants would be unequivocally regarded as interference in the internal affairs of the Republic of Moldova.

The deputies of the State Duma consider that the material and obvious legal defects of the judgement of the European Court of Human Rights in the so-called Ilaşcu case can be explained only by the "made to order" nature of the case and the bias of the Court in considering it. The deputies of the State Duma are convinced that the reaction of the Russian Federation will be adequate.

Russia has always complied with its international obligations and it will continue to do so and no provocations can shake the determination of the Russian Federation to defend its national interests by lawful means.

Moscow

10 July 2004